

# LOS ANGELES POLICE DEPARTMENT



**MICHEL R. MOORE**  
Chief of Police

**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, CA 90030  
Telephone: (213) 486-0150  
TDD: (877) 275-5273  
Ref #: 1.14

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The Honorable Nancy Skinner  
California State Senate  
State Capitol, Room 2059  
Sacramento, CA 95814

Dear Senator Skinner:

The Los Angeles Police Department (LAPD) is writing this letter to express our concern that Senate Bill 1421 (SB 1421) may be interpreted as retroactive. Since the passage of SB 1421, the LAPD has been preparing for the massive influx in historical records requests it anticipates starting January 1, 2019. We recognize that the passage of SB 1421 will require our Department to significantly grow its workforce and modernize its technology in order to comply with releasing records that were previously exempt. As such, the Department has convened an SB 1421 Taskforce, meeting weekly with all stakeholders to address future compliance with SB 1421 in an effective and efficient manner. Through this introspective process, we have identified some key ways to streamline current and future investigations that will allow us to more readily comply with the requirements of SB 1421. The mandates of SB 1421, even on a prospective basis, will require the hiring of additional personnel; acquisition of expensive hardware and software related to uploading, redacting, digitizing, and reformatting files and evidence; and, reallocation of personnel from key field, investigative, and administrative positions. If SB 1421 is implemented retroactively, the workload on the men and women of the LAPD could prove to be well beyond any reasonable expectation given the sheer volume of personnel complaints and uses of force (UOF) maintained in antiquated or archaic formats.

The LAPD has two distinct entities that investigate incidents directly related to SB 1421: Force Investigation Group (FIG), which investigates all serious UOF incidents; and, Internal Affairs Group (IAG), which investigates allegations of misconduct. Currently, the LAPD retains complaint records and officer-involved shooting investigations indefinitely.

## Use of Force Investigations

In just the last five years, FIG investigated a total of 419 UOF incidents. While not all these incidents would require disclosure under SB 1421, each investigation would have to be reviewed to determine disclosure requirements. A typical investigation requiring disclosure under SB 1421 includes thousands of pages of written investigations and transcripts, hours of audio and video evidence from Body Worn Video and Digital In-Car Video, plus 911 dispatcher audio, and hundreds of photographs. The SB 1421 Taskforce recently audited one representative UOF

investigation requiring disclosure under SB 1421. The items to be disclosed are listed below:

|                                      |          |
|--------------------------------------|----------|
| Total Pages of Investigation:        | 2,232    |
| Total Hours of Video:                | 11:00:32 |
| Total Hours of Audio:                | 18:16:04 |
| Total Radio Frequency/911 Call Time: | 3:16:30  |
| Total Data Size:                     | 32.14 GB |
| Total Photos:                        | 813      |

It is estimated that this case would require 267 work hours to complete a full review for release under SB 1421. Even if the historical record requirement were limited to just the last five years, there is a potential of nearly 300,000 work hours necessary to complete the required tasks under SB 1421. Beyond those five years, the LAPD has approximately 1,013 boxes in storage dating back to 1983. Because these older cases are stored on cassette tapes, reel to reel tape, and floppy discs, reviewing, reproducing, and redacting these records will prove extremely burdensome. The LAPD currently has no technology to convert many of these investigations to a workable, disclosable format. From the older cases, paperwork and developed photographs will need conversion to a digital format, review by a trained investigator, and redaction as required by law. Currently, the older cases are not divided into the categories required under SB 1421; as such, Department personnel will be required to complete a hand review of every case. This historical research would all have to be completed in conjunction with new cases being investigated and reviewed for release under SB 1421.

### **Complaint Investigations**

Internal Affairs Group averages over 3,300 disciplinary investigations each year. The breakdown over the previous five years is as follows:

| Year          | Initiated | Sustained Complaints* | Sustained Allegations |
|---------------|-----------|-----------------------|-----------------------|
| 2017          | 3,189     | 372                   | 629                   |
| 2016          | 3,393     | 404                   | 664                   |
| 2015          | 3,446     | 450                   | 1,038                 |
| 2014          | 3,773     | 363                   | 725                   |
| 2013          | 3,543     | 365                   | 664                   |
| Total 5 Years | 17,344    | 1,954                 | 3,720                 |

If SB 1421 is to be implemented retroactively, these cases will require review in much the same manner as the UOF cases. While most cases after 2003 have been scanned, many are not in a searchable format; therefore, each would still require conversion to a word search format, or an entire manual review. Each sustained complaint must be individually reviewed, redacted, and uploaded into a releasable format.

\* There could be several sustained allegations in a single complaint.

The review and redaction process would include a search of the following records:

- Audio and video recordings;
- Penalty Recommendation forms;
- Relief from Duty forms;
- Suspension or Demotion forms;
- Board of Rights or other hearing documents; and,
- Legal/Court of Appeals documents.

Simply stated, the physical and rudimentary manner in which the LAPD catalogs its completed investigations will require a manual review of each case for investigations completed after 2003. Those dated prior to that time were placed in individual employee personnel packages and would require the requester to identify the involved officer in order for the Department to have to a realistic ability to determine whether the investigation existed and is subject to disclosure.

The LAPD operates with a guiding principle of Reverence for the Law; as such, we will diligently comply with SB 1421. We maintain, however, that a retroactive implementation of SB 1421 will be exceptionally burdensome and would require significant reallocation of front-line investigative personnel.

Should you have any questions concerning this matter, please contact Commander Jeff Bert, Risk Management Legal Affairs Group, at (213) 486-8720.

Respectfully,



MICHEL R. MOORE  
Chief of Police